

03/23/01  
jc772 U.S. PTO

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March 23, 2001

NEW YORK  
DENVER  
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*Box Patent Application*

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Nonprovisional Application  
Appl. No.: To Be Assigned  
Filed: Herewith  
For: Genomic Plant Sequences and Uses Thereof  
Inventors: Boukharov *et al.*  
Atty. Docket: 16517.001 (38-21(51237)G)

jc972 U.S. PTO  
09/815264  
03/23/01

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. This Transmittal Letter;
2. Utility Patent Application Transmittal (PTO/SB/05);
3. U.S. Non-Provisional Application entitled:

**Genomic Plant Sequences and Uses Thereof**

and naming as inventors:

Boukharov, Andrey A.; Cao, Yongwei; Dotson, Stanton B.; Koshi, Jeffrey M.; Kovalic, David K.; Liu, Jingdong; McNinch, James; and Wu, Wei.

the application consisting of:

- a. A specification containing:
  - (i) 99 pages of a description prior to the claims;
  - (ii) 8 pages of claims (36 claims); and
  - (iii) a one (1) page abstract;
4. Three (3) CD-ROMs containing the sequence listing;

5. Two (2) CD-ROMs containing Tables 1, 3, 4, 5, and 6;
6. Statement Regarding Sequence Submission;
7. Form PTO/SB/35 (Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i));
8. Two (2) return postcards.

This application is being filed without an executed Declaration or payment of the filing fee.

This application claims priority under 35 U.S.C. §120 and is a continuation in part of U.S. Application Serial Nos. 09/620,392, filed July 19, 2000; 09/702,134, filed October 31, 2000, the disclosures of which are incorporated herein by reference in their entirety.

Submitted herewith are a sequence listing on CD-ROM (two copies) and a sequence listing Computer Readable Form (CRF) on CD-ROM, in compliance with 37 C.F.R. §§ 1.52(e), 1.77, and 1.823 (as amended in 65 Fed. Reg. 54603).

Five CD-ROMs accompany this transmittal letter: two copies of a sequence listing (Seq. Listing: Copy 1, Seq. Listing: Copy 2), a sequence listing CRF, and two copies of Tables 1, 3, 4, 5, 6 (Table: Copy 1, and Table: Copy 2). Seq. Listing: Copy 1 and Seq. Listing: Copy 2 are identical to each other and to the sequence listing CRF. All three sequence listing CD-ROMs each contain one file called "Pa2\_00329.txt" which is 420,819,499 bytes in size (measured in MS-DOS) and was created on March 23, 2001. Table: Copy 1 and Table: Copy 2 are identical to each other, and each CD-ROM contains one file called "Pa\_00329.txt" which is 47,041,202 bytes in size (measured in MS-DOS) and was created on March 16, 2001. All CD-ROMs are in IBM-PC machine format, and are MS-DOS and MS-Windows compatible.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)

Andrew S. Brenc (Reg. No. 45,534)

Enclosures

Please type a plus sign (+) inside this box → ☐

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. 16517.001 (38-21(51237)G)

First Inventor Boukharov, et al.

Title Genomic Plant Sequences and Uses Thereof

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 108]  
(preferred arrangement set forth below)
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ]
5. Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☒ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No: 09/620,392 and 09/702,134 / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_ Group / Art Unit: \_\_\_\_\_

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar code label here)

or ☐ Correspondence address below

Name

28381

PATENT TRADEMARK OFFICE

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Andrew S. Brenc

Registration No. (Attorney/Agent)

45,534

Signature

Date

03/23/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Boukharov, et al.
	Title	Genomic Plant Sequences and Uses Thereof
	Atty Docket Number	16517.001 38-21(51237)G

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

March 23, 2001

Date



Signature

Andrew S. Brenc

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.